

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Detroit Carpenters Fringe Benefit Funds,

Plaintiff,

v.

Case No. 12-11760

Acoustech Ceiling, Inc., *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER DISMISSING ACTION WITHOUT PREJUDICE
FOR FAILURE TO PROSECUTE

Plaintiff filed this action on April 20, 2012 – nearly a full year ago. Since that time, Plaintiff has filed three different complaints and the docket reflects that the current complaint has still not been served on either of the Defendants.

On March 5, 2013, this Court issued its *Second* Order requiring Plaintiff to show cause why this action should not be dismissed for failure to prosecute. (Docket Entry No. 13).

Having reviewed Plaintiff's response to that Order, IT IS ORDERED that this action is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE. Plaintiff has had ample opportunity to either affect service on Defendants, or seek alternative service, during the past eleven months but did not do so.

IT IS FURTHER ORDERED that Plaintiff's recent Motion for Alternate Service, which was only filed in response to this Court's Second Order to Show Cause Why This Action Should

Not Be Dismissed For Failure To Prosecute, is DENIED AS MOOT.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 5, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 5, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager